

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOB DAWSON, *et al.*,

Plaintiffs,

v.

PORCH.COM INC., *et al.*,

Defendants.

CASE NO. 2:20-cv-00604-RSL

ORDER DENYING MOTION TO
STRIKE

This matter comes before the Court on “Defendants’ Motion to Strike Plaintiffs’ Second Amended Complaint.” Dkt. # 110. Having reviewed the memoranda, declarations, and exhibits submitted by the parties,¹ the motion is DENIED. The parties agreed, and the Court ordered, that the *Chennette* plaintiffs would be added through the filing of a second amended complaint that was largely consistent with Dkt. # 96-1, with the changes specified in Dkt. # 103 and Dkt. # 107 at 2 n.1. The Second Amended Complaint comports with those directives.

Defendants assert that they never would have agreed to the changes plaintiffs made to their 47 C.F.R. § 1200(d) claim and that there was no meeting of the minds. The allegations of the Second Amended Complaint to which defendants now object were first proposed in March 2023, with a red-lined version highlighting the changes. Dkt. # 96-2 at

¹ This matter can be decided on the papers submitted. Defendants’ request for oral argument is DENIED.

640-41. Defendants' opposition to the motion to amend did not mention the proposed changes to the language related to the 47 C.F.R. § 1200(d) claim, and they signed off on a stipulation that established Dkt. # 96-1 as the general form of the proposed amendment. Dkt. # 99; Dkt. # 106. Nor does the Court perceive any great difference between a generally-stated claim based on defendants' alleged failure to institute and follow procedures that meet minimum standards for telemarketing as set forth in 47 C.F.R. § 1200(d) and a more specific claim based on the alleged failure to implement minimum telemarketing standards to prevent the sending of telemarketing text messages without proper disclosures and without honoring do-not-call requests in violation of 47 C.F.R. § 1200(d). *Compare* Dkt. # 36 at ¶ 1084 *with* Dkt. # 108 at ¶ 1107. To the extent there is a difference, this case remains in its infancy: defendants will have every opportunity to challenge the substance and merits of the claim.

Pursuant to Dkt. # 112, defendants shall file their response to the Second Amended Complaint within 14 days of this Order.

Dated this 16th day of January, 2024.



Robert S. Lasnik
United States District Judge